

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

---

ALFONSO PERCY PEW,

Plaintiff,

v.

C.O. HUBER, et al.,

Defendants.

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civil Action No. 3:15-cv-1407

(Judge Kosik)

**ORDER**

AND NOW, THIS 4<sup>th</sup> DAY OF MARCH, 2016, IT APPEARING TO THE COURT  
THAT:

[1] Plaintiff filed a motion for reconsideration (Doc. 10) of an order denying Plaintiff's motion for leave to proceed *in forma pauperis* and dismissing the complaint, on September 11, 2015;

[2] On January 15, 2016, Magistrate Judge Martin C. Carlson issued a Report and Recommendation, recommending that Plaintiff's motion for reconsideration be denied because Plaintiff incurred three or more strikes and has not sufficiently alleged newly discovered evidence showing that he was in imminent danger of serious bodily harm at the time he filed his complaint (Doc. 13);

[3] Plaintiff has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

[4] If no objections are filed to a Magistrate Judge's Report and Recommendation, the

Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give “reasoned consideration” to a magistrate judge’s report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); and

[5] We have considered the Magistrate Judge’s report and we concur with his recommendation that Plaintiff’s motion for reconsideration should be denied;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated January 15, 2016 (Doc. 13) is **ADOPTED**;

[2] Plaintiff’s motion for reconsideration (Doc. 10) is **DENIED**; and

[3] The Clerk of Court is directed to **FORWARD** a copy of this Order to the Magistrate Judge.

s/Edwin M. Kosik  
Edwin M. Kosik  
United States District Judge